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4 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 v.

9 ERIC FRANKLIN,

10 Defendant.

CASE NO. CR11-5335BHS

ORDER

11 This matter came before the Court on May 10, 2012, for a hearing on Defendant Eric  
12 Franklin's ("Franklin") fifth motion to continue the trial date in this case. The Court, having  
13 considered the motion, the affidavits of defense counsel in support of the motion, Franklin's  
14 speedy trial waiver, the government's response in opposition and the oral arguments of counsel,  
15 denies the motion for the following reasons:

16 1. Defense counsel was appointed on March 27, 2012, and has continuously represented  
17 Franklin since that time.

18 2. Franklin was indicted on June 30, 2011, and since that time has been granted four  
19 unopposed continuances of the trial date.

20 3. The defense sought a continuance citing Defendant's need to obtain and review  
21 additional discovery as to the "key witness". All discovery has been provided, according to the  
22 government.

1           4. The defense has failed to demonstrate further a need for a continuance, and there is no  
2 apparent harm to the Defendant to proceed to trial.

3           5. There is no evidence that defense counsel has not been diligent in readying the  
4 defense.

5           NOW, THEREFORE, IT IS HEREBY ORDERED that Franklin's fifth motion to  
6 continue the trial date is DENIED. Pretrial conference and a hearing on Franklin's Motion to  
7 Suppress Evidence and Dismiss the Case is set for May 21, 2012, at 1:30 p.m. Trial will  
8 commence on May 29, 2012, at 9:00 a.m.

9           Dated this 10<sup>th</sup> day of May, 2012.

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12 BENJAMIN H. SETTLE  
13 United States District Judge  
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